

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AUBREY DRAKE GRAHAM,

Plaintiff,

v.

UMG RECORDINGS, INC.,

Defendant.

No. 1:25-cv-399-JAV

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT UMG
RECORDINGS, INC.'S MOTION TO DISMISS THE COMPLAINT**

Pursuant to Federal Rule of Evidence 201, Defendant UMG Recordings, Inc. (“UMG”) respectfully requests, in connection with its concurrently filed Motion to Dismiss, that the Court take judicial notice of the following song lyrics and news articles attached hereto:

1. **Exhibit A**, which is a true and correct copy of a public petition entitled *See Art on Trial: Protect Black Art* signed by Plaintiff, Aubrey Drake Graham (“Drake”), available at <https://www.protectblackart.co/>.

2. **Exhibit B**, which is a true and correct copy of lyrics for Drake’s track “Back to Back,” released July 29, 2015 and available at <https://genius.com/Drake-back-to-back-lyrics>.

3. **Exhibit C**, which is a true and correct copy of lyrics for Drake’s track “Duppy Freestyle,” released on May 25, 2018 and available at <https://genius.com/Drake-duppy-freestyle-lyrics>.

4. **Exhibit D**, which is a true and correct copy of lyrics for Drake and J. Cole’s track “First Person Shooter,” released on October 6, 2023 and available at <https://genius.com/Drake-first-person-shooter-lyrics>.

5. **Exhibit E**, which is a true and correct copy of lyrics for Kendrick Lamar (“Lamar”), Metro Boomin, and Future’s track “Like That,” released on March 22, 2024 and available at <https://genius.com/Future-metro-boomin-and-kendrick-lamar-like-that-lyrics>.

6. **Exhibit F**, which is a true and correct copy of lyrics for Drake’s track “Push Ups,” released on April 19, 2024 and available at <https://genius.com/Drake-push-ups-lyrics>.

7. **Exhibit G**, which is a true and correct copy of lyrics for Drake’s track “Taylor Made Freestyle,” released on April 19, 2024 and available at <https://genius.com/Drake-taylor-made-freestyle-lyrics>.

8. **Exhibit H**, which is a true and correct copy of lyrics for Lamar’s track “Euphoria,” released on April 30, 2024 and available at <https://genius.com/Kendrick-lamar-euphoria-lyrics>.

9. **Exhibit I**, which is a true and correct copy of lyrics for Lamar’s track “6:16 in LA,” released on May 3, 2024 and available at <https://genius.com/Kendrick-lamar-6-16-in-la-lyrics>.

10. **Exhibit J**, which is a true and correct copy of lyrics for Drake’s track “Family Matters,” released on May 3, 2024 and available at <https://genius.com/Drake-family-matters-lyrics>.

11. **Exhibit K**, which is a true and correct copy of lyrics for Lamar’s track “Meet the Grahams,” released on May 3, 2024 and available at <https://genius.com/Kendrick-lamar-meet-the-grahams-lyrics>.

12. **Exhibit L**, which is a true and correct copy of lyrics for Drake’s track “The Heart Part 6,” released on May 5, 2024 and available at <https://genius.com/Drake-the-heart-part-6-lyrics>.

13. **Exhibit M**, which is a true and correct copy of a November 8, 2024 article, as updated on February 2, 2025, entitled *2025 GRAMMYS: See The OFFICIAL Full Nominations List* written by Nina Frazier for Grammy.com, available at <https://www.grammy.com/news/2025-grammys-nominations-full-winners-nominees-list> [<https://perma.cc/ME87-NSHZ>].

14. **Exhibit N**, which is a true and correct copy of a January 6, 2019 article entitled *Drake slammed on social media for 2010 video in which he kisses, fondles 17-year-old girl* written by Jayme Deerwester and Rasha Ali for USA Today, available at <https://www.usatoday.com/story/life/music/2019/01/06/drake-seen-kissing-fondling-17-year-old-girl-2010-concert-video/2495634002/>.

15. **Exhibit O**, which is a true and correct copy of a January 6, 2019 article entitled *Drake slammed for kissing 17-year-old girl onstage in resurfaced video* written by Katherine Lam for Fox News, available at <https://www.foxnews.com/entertainment/drake-receives-backlash-for-kissing-girl-17-on-stage-in-resurfaced-video>.

16. **Exhibit P**, which is a true and correct copy of a January 7, 2019 article entitled *Drake kisses 17-year-old fan on stage in unearthed video clip* written by Laura Snapes for The Guardian, available at <https://www.theguardian.com/music/2019/jan/07/drake-kisses-fan-17-ogden-theater-denver-colorado-2010>.

17. **Exhibit Q**, which is a true and correct copy of an October 9, 2023 article entitled *Drake slams critics questioning Millie Bobby Brown friendship that began when she was 14* written by Jack Hobbs for the New York Post, available at <https://nypost.com/2023/10/09/drake-36-slams-critics-questioning-millie-bobby-brown-19-friendship/>.

18. **Exhibit R**, which is a true and correct copy of an October 10, 2023 article entitled *Drake, 36, Defends His Friendship with Millie Bobby Brown, 19, in New Song Lyrics* written by Rachel DeSantis for People Magazine, available at <https://people.com/drake-addresses-millie-bobby-brown-friendship-new-song-8349324>.

19. **Exhibit S**, which is a true and correct copy of a May 13, 2024 article entitled *What Is Baka Not Nice's 'Weird Case' Kendrick Lamar References on Drake Diss "Not Like Us"* written by Joe Price for Complex, available at <https://www.complex.com/music/a/backwoodsaltar/what-is-baka-not-nice-weird-case-kendrick-lamar-drake-diss>.

20. **Exhibit T**, which is a true and correct copy of the transcript for the NPR podcast released on May 9, 2024 entitled *Pop Culture Happy Hour: We process the explosive Drake-Kendrick beef*, available at <https://www.npr.org/transcripts/1197964460> [<https://perma.cc/JK9R-RGED>].

21. **Exhibit U**, which is a true and correct copy of a May 12, 2015 article entitled *Drake entourage member guilty of assaulting woman* written by Sam Pazzano for the Toronto Sun, available at <https://torontosun.com/2015/05/12/drake-entourage-member-guilty-of-assaulting-woman>.

22. **Exhibit V**, which is a true and correct copy of a June 16, 2023 article entitled *How Gunna's New Album Tackles His Snitching Allegations Head On* written by Grant Rindner for GQ, available at <https://www.gq.com/story/gunna-a-gift-and-a-curse-new-album-snitching-allegations-ysl-case-young-thug>.

23. **Exhibit W**, which is a true and correct copy of a September 5, 2024 article entitled *How Drake Lost the Plot* written by Brady Brickner-Wood for The New Yorker, available at <https://www.newyorker.com/culture/the-lede/how-drake-lost-the-plot>.

24. **Exhibit X**, which is a true and correct copy of a June 21, 2024 article entitled *Kendrick Lamar's Victory Lap Unites Los Angeles* written by Christopher R. Weingarten for The New York Times, available at <https://www.nytimes.com/2024/06/20/arts/music/kendrick-lamar-drake-not-like-us-la.html>.

25. **Exhibit Y**, which is a true and correct copy of the Affirmation of David Kaefer, dated December 19 2024, filed on behalf of Spotify USA Inc. in *In re Frozen Moments, LLC*, No. 161023/2024 (N.Y. Sup. Ct.).

26. **Exhibit Z**, which is a true and correct copy of lyrics for Drake's track "Mob Ties," released on January 6, 2019 and available at <https://genius.com/Drake-mob-ties-lyrics>.

As noted by the Supreme Court, "courts must consider the complaint in its entirety, as well as other sources courts ordinarily examine when ruling on Rule 12(b)(6) motions to dismiss, in particular, documents incorporated into the complaint by reference, and matters of which a court may take judicial notice." *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007); *see also Staehr v. Hartford Fin. Servs. Grp., Inc.*, 547 F.3d 406, 426 (2d Cir. 2008) (holding that for Rule 12(b)(6) motions, "matters judicially noticed by the District Court are not considered matters outside the pleadings"). Courts may take judicial notice of facts that are "not subject to reasonable dispute" because they are "generally known within the trial court's territorial jurisdiction" or "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). Pursuant to Federal Rule of

Evidence 201(c)(2), a court “must take judicial notice if a party requests it and the court is supplied with the necessary information.”

Courts may take judicial notice of “the *fact* that press coverage ... contained certain information, without regard to the truth of their contents.” *Staeher*, 547 F.3d at 425 (emphasis in original); *Gonzales v. Nat’l Westminster Bank PLC*, 847 F. Supp. 2d 567, 569 n.2 (S.D.N.Y. 2012) (taking “judicial notice of publicly available information including newspaper articles”); *In re Salomon Analyst Winstar Litig.*, 2006 WL 510526, at *4 n.6 (S.D.N.Y. Feb. 28, 2006) (taking judicial notice of the fact that news articles were published, and collecting cases doing the same).

Courts may also take judicial notice of song lyrics. *See, e.g., Jones v. Atl. Records*, 2023 WL 5577282, at *5 n.5 (S.D.N.Y. Aug. 29, 2023) (taking judicial notice of song lyrics); *Pickett v. Migos Touring, Inc.*, 420 F. Supp. 3d 197, 207 (S.D.N.Y. 2019) (taking judicial notice of song lyrics because they are able to be “obtained from widely available and reliable sources,” and “the accuracy of which cannot reasonably be questioned.”).

And they can further take judicial notice of court filings. *See Staeher*, 547 F.3d at 425 (“A court may take judicial notice of a document filed in another court not for the truth of the matters asserted in the other litigation but rather to establish the fact of such litigation and related filings.”) (cleaned up).

Each of the aforementioned exhibits are judicially noticeable under this standard. Exhibit A is a publicly signed petition. Exhibits B through L and Z are lyrics to tracks released by Drake, Lamar, and other recording artists. Exhibits M through X are media reports. Exhibit Y is a court filing. These exhibits are each publicly available such that their authenticity is not reasonably in dispute, and UMG has supplied the Court with the lyrics, news articles, and sources where they

can be easily located. Accordingly, judicial notice is appropriate. *See, e.g.,* Fed. R. Evid. 201(b)(2), (c)(2); *Staeher*, 547 F.3d at 425; *Gonzales*, 847 F. Supp. 2d at 569 n.2; *In re Salomon*, 2006 WL 510526, at *4 n.6., *Pickett* 420 F. Supp. 3d at 207. Additionally, the sources that are cited in the Complaint (Exhibits M and T) are incorporated by reference into the Complaint. *See Trump v. Vance*, 977 F.3d 198, 210 n.8 (2d Cir. 2020) (incorporation by reference when a pleading “makes a clear, definite and substantial reference” rather than “passing reference” to article) (cleaned up).

For the foregoing reasons, UMG respectfully requests that the Court take judicial notice of Exhibits A through Z attached hereto.

Dated: March 17, 2025

/s/ Rollin A. Ransom

Rollin A. Ransom (admitted *pro hac vice*)

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